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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,986	01/12/2001	Sally J. Bull	52355 USA9B.014	3145

32692 7590 07/01/2003

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/01/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

AS14

Office Action Summary	Application No. 09/759,986	Applicant(s) Bull et al.	
	Examiner Nasser Ahmad	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 20, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 31-35 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved; corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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1. Claims 1-24 and 31-35 are rejected under double patenting over Application Serial No. 09/098,702 for reasons of record in paper no. 10, paragraph - 6, mailed on November 21, 2002.
2. Claims 1-24 and 31-35 are rejected under 35 USC 112, first paragraph for reasons of record in paper no. 10, paragraph - 8.
3. Claims 1-24 and 31-35 are rejected under 35 USC 103(a) as being unpatentable over Andriash in view of Bull for reasons of record in paper no. 10, paragraph - 2 and paper no. 7, paragraph - 2, mailed on May 10, 2002
4. Applicant's arguments filed March 20, 2003 have been fully considered but they are not persuasive. With regard to applicants' position on the double patenting rejection. Please note that no response has been received to effect overcoming said double patenting rejection.

Applicant argues that the only basis presented by the Examiner for lack of enablement under 35 USC 112, first paragraph is applicant's use of the term "scrim" and on other reasons. This is not found to be persuasive because, as recited in the last Office Action, the standard definition of scrim is a "porous sheet". Contrary to applicant's position, the Examples do not disclose "an unperforated attachment component comprising a substantially transparent polymeric scrim layer "as recited in claims 1 and 31. In fact, example of attachment component B1 (specification, page – 16) refers merely to a "polyester scrim layer". As a result, one of ordinary skill in the art would look to a porous sheet as the scrim required to make or use the invention, only to

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find that the claimed scrim is unperforated or non-porous. For this reasons the specification is not enabling.

In response to applicant's request that a reference be cited to support that "hot melt adhesive can be and includes pressure sensitive adhesive" as stated in the last Office Action, enclosed herewith is U.S. Patent 6,162,868 wherein, in column 1, lines 32-33, "hot melt pressure sensitive adhesive " is recited. Once again, applicant should note that because hot melt pressure sensitive adhesive (HMPSA) can include PSA, therefore the two claimed adhesive are not necessarily different as alleged.

While Examiner agrees with the applicant that the Bull reference describes the use of a scrim liner to prevent blocking of the hot melt adhesive layer until the article is to be attached to a surface. However, applicant must realize that because "scrim layer" by definition is a porous sheet, the adhesive will pass therethrough to provide for a double-sided laminate. Further, applicant's acknowledgement in response of March 21, 2003, page – 4, that a porous scrim liner would at most allow some of the HM adhesive to pass therethrough is noted. Hence, because the HMPSA would include PSA, the porous scrim liner would provide for adhesive on both sides.

The second declaration by Sally J. Bull under 37 CFR 1.132 filed on March 20, 2003 appears to be directed to the opinion of Ms. Bull as to the process of securing the hot melt adhesive to the scrim or liner. However, the Bull reference refers to a scrim liner and not to one or the other as alleged in the declaration.

Hence, in the absence of any evidence to the contrary, it remains the Examiner's position that the claimed invention is obvious over the prior art of record, rejected under double patenting rejection and under 35 USC 112, first paragraph as discussed above.

5. The second declaration under 37 CFR 1.132 filed March 20, 2003 is insufficient to overcome the rejection of claims 1-24 and 31-35 based upon Andriash in view of Bull as set forth in the last Office action because:

The declaration, in section 5 refers to "a liner or scrim". However, the WO – 97/43128 reference recites a scrim liner and not "a liner or scrim" as alleged. Again, on the basis that a scrim is a porous sheet, by definition, it is unclear as to how the scrim would be releasably secured to the hot melt adhesive when casting the adhesive directly or fusing it together with scrim whose porosity would provide for enhanced bonding of the hot melt adhesive. It should also be noted that a scrim liner is different and distinct from a release liner. Further, it is also noted by the examiner that declaration is an opinion of the declarant.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 703-308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

N. Ahmad/mn
July 1, 2003


NASSER AHMAD
PRIMARY EXAMINER